

**SEVENTY-THIRD LEGISLATIVE DAY  
WEDNESDAY, MARCH 19, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jonathan Sater, Page.

**Approval of Journal**

March 19, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-first Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

Mr. Sali asked unanimous consent that Rule 70, with the exception of smoking, be suspended for the balance of the Legislative Day. There being no objection, it was so ordered.

March 17, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1042** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1042** and, when so signed, ordered it returned to the Senate.

March 17, 2003

Mr. Speaker:

I return herewith enrolled **H 246**, **H 19**, and **H 105** which have been signed by the President.

WOOD, Secretary

Enrolled **H 246**, **H 19**, and **H 105** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 17, 2003

Mr. Speaker:

I transmit herewith **S 1084** which has passed the Senate.

WOOD, Secretary

**S 1084** was filed for first reading.

March 17, 2003

Mr. Speaker:

I return herewith **HJM 4**, **HCR 25**, **H 71**, as amended, **H 276**, **H 263**, **H 102**, **H 298**, **H 330**, **H 171**, **H 291**, and **H 67** which have passed the Senate.

WOOD, Secretary

**HJM 4**, **HCR 25**, **H 71**, as amended, **H 276**, **H 263**, **H 102**, **H 298**, **H 330**, **H 171**, **H 291**, and **H 67** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

**H 59**, as amended in the Senate, and **H 194**, as amended in the Senate, held at the Desk March 17, 2003, were before the House for concurrence.

Mr. Gagner asked unanimous consent that the House concur in the Senate amendments to **H 59**, as amended in the Senate. There being no objection, it was so ordered.

**H 59**, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Mrs. Wood asked unanimous consent that the House not concur in the Senate amendments to **H 194**, as amended in the Senate. There being no objection, it was so ordered.

**H 194**, as amended in the Senate, was returned to the Revenue and Taxation Committee.

**Report of Standing Committees**

March 19, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 373**.

FIELD(18), Chairman

**H 373** was referred to the Health and Welfare Committee.

March 19, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 26**, **H 256**, as amended, **H 257**, **H 261**, **H 143**, **H 134**, **H 133**, **H 66**, as amended, **H 214**, **H 220**, **H 266**, **H 113**, as amended in the Senate, and **H 208**, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 26**, **H 256**, as amended, **H 257**, **H 261**, **H 143**, **H 134**, **H 133**, **H 66**, as amended, **H 214**, **H 220**, **H 266**, **H 113**, as amended in the Senate, and **H 208**, as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 19, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled

**H 106, H 108, H 109, H 157, H 36, H 40, H 259, H 233, H 76, H 179, H 32, H 30, H 58, H 60, H 62, as amended, H 127, H 38, H 132, H 129, H 35, H 43, H 46, H 268, H 267, and H 260** to the Governor at 11 a.m., as of this date, March 17, 2003.

FIELD(18), Chairman

March 17, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 363** and recommend that it do pass.

DEAL, Chairman

**H 363** was filed for second reading.

March 17, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 337, H 338, S 1002**, as amended, **S 1028**, and **S 1139** and recommend that they do pass.

FIELD(18), Chairman

**H 337, H 338, S 1002**, as amended, **S 1028**, and **S 1139** were filed for second reading.

March 17, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 335** and **H 336** and report them back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

**H 335** and **H 336** were placed on General Orders for consideration.

March 19, 2003

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 369** and recommend that it do pass.

CROW, Chairman

**H 369** was filed for second reading.

March 19, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 374** and recommend that it do pass.

CROW, Chairman

**H 374** was filed for second reading.

There being no objection, the House returned to the Fourth Order of Business.

### Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR

Boise

March 17, 2003

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 20, H 21, H 28, H 29, H 36, H 38, H 40, H 43, H 46, H 56, H 76, H 124, H 127, H 151, H 175, H 176, H 204, H 216, H 225, H 233, H 247, H 253, H 267, H 268, and H 132**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR

Boise

March 17, 2003

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 329**

House bill **329**, the Voluntary Contributions Act, enacts a statutory structure similar to the Federal Election Campaign Act which requires a separate segregated fund by labor organizations and corporations to participate in the federal electoral process.

This legislation provides that political contributions and electioneering activity in Idaho can only be funded by labor organizations through an established separate segregated fund. The bill also provides that the separate segregated funds used by a labor organization for political activities must be collected voluntarily from the labor organization's membership.

The intent of this legislation is to establish that, similar to federal law, all electioneering activity be funded by dollars obtained through a conscious and voluntary act of the individuals comprising the organization's membership.

House Bill **329** will further the democratic process in the state of Idaho. Members of a labor organization should have a voice in the electioneering activities of their organizations. That voice is made stronger when union members affirmatively contribute to

a separate fund established by the labor organization for participation in the political process.

It is my intention that this legislation not be perceived to inadvertently inhibit the ability of labor organizations to protect their interests outside the political process. Under new Idaho Code section 44-2603(1)(b)(ii), union dues are prohibited from being used for "political activities," as defined. The definition of "political activities" in proposed Idaho Code section 44-2602(1)(e) include activities aimed at any "legislative cause, including ballot measures or propositions."

Accordingly, it is not the intent that legitimate legislative or issue advocacy outside of electioneering be covered by the legislation's prohibition on the use of union dues for such activities. That is not the policy of Idaho.

My signature on House Bill 329 is premised on the view that electioneering activities, and the union dues which fund them, are distinct as a matter of policy from the day-to-day public advocacy engaged in by labor organizations to protect their interest, for example, within the State Legislature. The definition of "political activities" in House Bill 329 should not impact appropriate legislative or other non-political activity by labor organizations.

I do not believe House Bill 329 was intended to inadvertently prohibit legislative advocacy by union organizations. As a result, I have asked Legislative Leadership to introduce a trailer bill clarifying that legitimate non-electioneering advocacy can be engaged by labor organizations and funded by union dues.

With this understanding, I have signed House Bill 329 into law.

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

There being no objection, the House advanced to the Seventh Order of Business.

#### **Motions, Memorials, and Resolutions**

#### **HOUSE JOINT MEMORIAL NO. 6 BY WAYS AND MEANS COMMITTEE**

##### **A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES  
OF THE UNITED STATES IN CONGRESS ASSEMBLED,  
AND TO THE CONGRESSIONAL DELEGATION  
REPRESENTING THE STATE OF IDAHO IN THE  
CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, our United States was founded on the "self-evident" truths that rights are granted by God, that governments exist only to protect those rights, and that God-given rights cannot legitimately be canceled; and

WHEREAS, the Declaration of Independence of 1776 proclaims: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed"; and

WHEREAS, the United Nations refuses to recognize God, declares that rights exist by virtue of laws enacted by governments, and claims power unto itself to suspend such laws; and

WHEREAS, the fundamental founding document of the United Nations is the United Nations' Charter and its primary documents constituting its International Bill of Rights are the Universal Declaration of Human Rights; the International Convention on Rights of the Child, the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights, none of which contain any mention of God. The Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly in 1948, provides: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law...These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations"; and

WHEREAS, in regard to the issue of Rights, the Bill of Rights as set forth in the Constitution of the United States stands in contrast to the United Nations' International Bill of Rights; and

WHEREAS, in regard to the issue of Freedom of Religion, the First Amendment to the Constitution of the United States provides that: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." Article 18 of the United Nations' International Covenant on Civil and Political Rights provides that: "Everyone shall have the right to freedom of...religion...Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others"; and

WHEREAS, in regard to the issue of Freedom of Speech, the First Amendment of the Constitution of the United States provides that: "Congress shall make no law...abridging the freedom of speech, or of the press..." Article 19 of the United Nations' International Covenant on Civil and Political Rights provides that: "Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression...The exercise of the rights...may therefore be subject to certain restrictions, but these shall only be such as are provided by law..." and

WHEREAS, in regard to the issue of Freedom of Assembly, the First Amendment of the Constitution of the United States provides that: "Congress shall make no law...abridging...the right of the people peaceably to assemble..." Article 21 of the United Nations' International Covenant on Civil and Political

Rights provides that: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law...."; and

WHEREAS, in regard to the issue of the Right to Bear Arms, the Second Amendment of the Constitution of the United States provides that: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." The United Nations stands silent on this right; and

WHEREAS, in regard to the right to Public Trial By Jury, the Sixth Amendment of the Constitution of the United States provides that: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury...." Article 14 of the United Nations' International Covenant on Civil and Political Rights provides that: "The press and the public may be excluded from all or part of a trial...."; and

WHEREAS, Article 29 of the United Nations' International Covenant on Civil and Political Rights provides that: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law...".

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully urge the Congress of the United States to use appropriate constitutional authority in order to extricate our nation from the threat to freedom posed by the United Nations. We encourage House members to work toward this goal by co-sponsoring H.R. 1146, "The American Sovereignty Restoration Act." We encourage Idaho's Senators to introduce a similar measure in the United States Senate.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HOUSE JOINT MEMORIAL NO. 7  
BY STATE AFFAIRS COMMITTEE**

**A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Constitution of the United States establishes a republican form of government; and

WHEREAS, through many years of history, state legislatures followed this pattern established in the Congress of the United States; and

WHEREAS, decisions of the Supreme Court of the United States have mandated a contradictory form to be applied to the Senate and House of Representatives of the states; and

WHEREAS, we find that the states would be better served by adherence to the original intent of the founders; and

WHEREAS, it will be necessary to submit an amendment to the Constitution of the United States to reestablish the original republican form in the state legislatures.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress of the United States to adopt and submit to the states an amendment to reestablish the right of the states to follow the districting pattern of the Congress of the United States with the Senate by county and the House of Representatives by population.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HJM 6 and HJM 7** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 375  
BY WAYS AND MEANS COMMITTEE  
AN ACT**

RELATING TO ROADS; AMENDING SECTION 40-107, IDAHO CODE, TO REVISE THE DEFINITION OF FEDERAL LAND RIGHTS-OF-WAY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-117, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY AND USE OF THE TERM; AMENDING SECTION 40-203, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY, TO PROVIDE FOR RECORDING ACKNOWLEDGMENTS OF FEDERALLY-GRANTED RIGHTS-OF-WAY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 40-203A, IDAHO CODE, TO PROVIDE THAT ANY FEDERALLY-GRANTED RIGHT-OF-WAY IS EXCEPTED FROM THE PROVISIONS OF THIS SECTION UNLESS IT HAS BEEN AFFIRMATIVELY RECOGNIZED AND MADE A PART OF A HIGHWAY SYSTEM; AMENDING SECTION 40-204A, IDAHO CODE, TO CLARIFY ACCEPTANCE OF THE GRANT BY RECOGNIZING THE ACTIONS OF THE PUBLIC AND PUBLIC OFFICIALS INCLUDING THE COMMON LAW, TO PROVIDE EXCLUSIVE JURISDICTION OF THE COUNTY WITH REGARD TO FEDERALLY-GRANTED RIGHTS-OF-WAY WITH AN EXCEPTION AND TO REQUIRE THE PARTICIPATION OF AFFECTED LOCAL HIGHWAY JURISDICTIONS IN A DETERMINATION PROCEEDING OF A CLAIMED FEDERALLY-GRANTED RIGHT-OF-WAY, TO DELETE

REFERENCE TO ABANDONMENT OF SUCH RIGHTS-OF-WAY, TO CLARIFY LACK OF USE OR MAINTENANCE WITH RESPECT TO TAX-SUPPORTED HIGHWAYS, TO PROVIDE A PROCEDURE BY WHICH A BOARD OF COUNTY COMMISSIONERS SHALL DETERMINE THE STATUS, REGULATION AND LOCATION OF A FEDERALLY-GRANTED RIGHT-OF-WAY, TO AUTHORIZE THE STATE BOARD OF LAND COMMISSIONERS TO MAKE AN INDEPENDENT DETERMINATION OF THE EXISTENCE OF A FEDERALLY-GRANTED RIGHT-OF-WAY, TO PROVIDE FOR JUDICIAL REVIEW, AND TO PROVIDE FOR MANAGEMENT OF A FEDERALLY-GRANTED RIGHT-OF-WAY ON STATE ENDOWMENT LANDS, TO DELETE REDUNDANT LANGUAGE, TO CLARIFY THAT FEDERAL OWNERSHIP OF THE SURFACE ESTATE OF PROPERTY OVER WHICH A RIGHT-OF-WAY PASSES IS NOT AFFECTED BY THE RIGHT-OF-WAY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-208, IDAHO CODE, TO PROVIDE THAT THE DECISION OF THE STATE BOARD OF LAND COMMISSIONERS OR A BOARD OF COUNTY COMMISSIONERS REGARDING THE DETERMINATION OF A FEDERALLY-GRANTED RIGHT-OF-WAY PURSUANT TO SECTION 40-204A, IDAHO CODE, IS SUBJECT TO JUDICIAL REVIEW AS PROVIDED THEREIN AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 376**  
**BY WAYS AND MEANS COMMITTEE**  
 AN ACT

RELATING TO THE IDAHO HEALTH INSURANCE ACCESS CARD ACT; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-236, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-237, IDAHO CODE, TO STATE LEGISLATIVE PURPOSE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-238, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-239, IDAHO CODE, TO SET FORTH PROVISIONS FOR CHIP PLAN B; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-240, IDAHO CODE, TO SET FORTH PROVISIONS FOR THE CHILDREN'S ACCESS CARD PROGRAM; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-241, IDAHO CODE, TO SET FORTH PROVISIONS FOR THE SMALL BUSINESS HEALTH INSURANCE PILOT PROGRAM; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-242, IDAHO CODE, TO SET FORTH PROVISIONS FOR THE IDAHO HEALTH INSURANCE ACCESS CARD; AND AMENDING SECTION 41-406, IDAHO CODE, TO PROVIDE FOR THE DEPOSIT OF CERTAIN PREMIUM TAX FUNDS TO THE IDAHO HEALTH INSURANCE ACCESS CARD FUND AND TO

SPECIFY DISTRIBUTION.

**HOUSE BILL NO. 377**  
**BY APPROPRIATIONS COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

**HOUSE BILL NO. 378**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO TAXATION OF CIGARETTES; AMENDING SECTION 63-2506, IDAHO CODE, TO INCREASE THE RATE OF THE CIGARETTE TAX AND TO REVISE THE DISTRIBUTION OF CERTAIN MONEYS DERIVED FROM THE TAX; AMENDING SECTION 63-2509, IDAHO CODE, TO REDUCE THE PERCENTAGE THAT WHOLESALERS ARE COMPENSATED FOR AFFIXING STAMPS ON PACKAGES OF CIGARETTES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-2520, IDAHO CODE, TO REVISE THE DISTRIBUTION FORMULA FOR CERTAIN CIGARETTE TAX MONEYS; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2531, IDAHO CODE, TO PROVIDE A FLOOR STOCKS TAX FOR PACKAGES OF CIGARETTES HELD IN STOCK BY A WHOLESALE ON JUNE 1, 2003, AND TO PROVIDE WHEN THE TAX IS DUE AND PAYABLE; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

**HOUSE BILL NO. 379**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3619, IDAHO CODE, TO INCREASE THE RATE OF THE SALES TAX TO SIX AND ONE-HALF PERCENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3621, IDAHO CODE, TO INCREASE THE RATE OF THE USE TAX TO SIX AND ONE-HALF PERCENT FOR PROPERTY ACQUIRED ON AND AFTER MAY 1, 2003; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE THE DISTRIBUTION FORMULA FOR DISTRIBUTION OF SALES TAX REVENUES AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTIONS 63-3619 AND 63-3621, IDAHO CODE; REPEALING SECTION 63-3638, IDAHO CODE; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3619, IDAHO CODE, TO PROVIDE A SALES TAX OF FIVE PERCENT; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3621, IDAHO CODE, TO PROVIDE IMPOSITION OF A USE TAX RATE OF FIVE PERCENT; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3638, IDAHO CODE, TO PROVIDE DISTRIBUTION OF SALES TAX REVENUES;

AMENDING SECTION 63-3623B, IDAHO CODE, TO PROVIDE AN INCREASE IN ANNUAL PERMIT FEE FOR AMUSEMENT DEVICES FROM MAY 1, 2003, UNTIL JUNE 30, 2006 AND TO MAKE A TECHNICAL CORRECTION; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

**H 375, H 376, H 377, H 378, and H 379** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1084**, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

**H 370, H 371, and H 372**, by Appropriations Committee, were read the second time by title and filed for third reading.

**S 1123 and S 1134**, by State Affairs Committee, were read the second time by title and filed for third reading.

**H 367**, by Education Committee, was read the second time by title and filed for third reading.

**H 279 and H 255**, as amended in the Senate, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

**S 1154, S 1155, S 1156, S 1157, S 1158, S 1159, and S 1161**, by Finance Committee, were read the second time by title and filed for third reading.

**H 195**, as amended in the Senate, as amended in the Senate, by Local Government Committee, was read the second time by title and filed for third reading.

### Third Reading of Bills and Joint Resolutions

Mrs. Wood asked unanimous consent that **H 275** be returned to the Transportation and Defense Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that **H 294** retain its place on the Third Reading Calendar until March 26, 2003. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that **S 1093** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

Mr. Sali asked unanimous consent that **H 202**, as amended, be placed on General Orders for consideration. Ms. Henbest objected.

Mr. Sali moved that **H 202**, as amended, be placed on General Orders for consideration. Seconded by Mrs. Kellogg.

Mr. Sali asked unanimous consent to withdraw the motion to place **H 202**, as amended, on General Orders. There being no objection, it was so ordered.

Mr. Sali asked unanimous consent that **H 202**, as amended, retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

At this time, Mr. Denney took the Chair.

**H 366** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Lake to open debate.

The question being, "Shall **H 366** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Deal, Denney, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Miller, Moyle, Naccarato, Nielsen, Raybould, Ring, Roberts, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Wills, Wood. Total -- 51.

NAYS -- Andersen, Bieter, Cuddy, Douglas, Edmunson, Henbest, Jaquet, Langhorst, Martinez, Mitchell, Ridinger, Ringo, Robison, Smith(30), Trail. Total -- 15.

Absent and excused -- Crow, Jones, Meyer, Mr. Speaker. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 366** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**S 1130**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Garrett to open debate.

The question being, "Shall **S 1130**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler,

Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Tilman, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Crow, Jones, Meyer, Stevenson, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1130**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1120** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Martinez to open debate.

The question being, "Shall **S 1120** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Tilman, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Crow, Henbest, Jones, Stevenson, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1120** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1016** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Edmunson to open debate.

The question being, "Shall **S 1016** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Tilman, Trail, Wills, Wood. Total -- 66.

NAYS -- None.

Absent and excused -- Crow, Jones, Stevenson, Mr. Speaker. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1016** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle moved that the House recess until 1 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House at recess until 1 p.m.

## RECESS

### Afternoon Session

The House reconvened at 1 p.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused -- Roberts. Total -- 1.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Denney moved that the House adjourn until 10:45 a.m., Thursday, March 20, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:25 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk